

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 257](#)

TITLE: Exceptional Students and Video Cameras in Public Schools

SPONSOR(S): Chambliss, Tramont

COMPANION BILL: [SB 1006](#) (Calatayud)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Student Academic Success](#)

15 Y, 0 N, As CS



[PreK-12 Budget](#)

13 Y, 0 N



[Education & Employment](#)

17 Y, 0 N

SUMMARY

Effect of the Bill:

The bill amends the Video Cameras in Public School Classrooms Pilot Program statute to remove the pilot program designation and require each district school board, except those in fiscally constrained counties, to vote on whether to adopt a policy to provide video cameras in self-contained classrooms upon request of a parent.

Fiscal or Economic Impact:

The bill may have an insignificant, negative fiscal impact on local government expenditures and a positive fiscal impact on private sector revenues due to the optional implementation of the video cameras in public school classrooms.

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ANALYSIS

EFFECT OF THE BILL:

The bill amends the [Video Cameras in Public School Classrooms Pilot Program](#) (Pilot Program) statute to remove the pilot program designation and require each district school board, except those in fiscally constrained counties,¹ to vote on whether to adopt a policy to provide video cameras in self-contained classrooms upon request of a parent. The bill uses the same definition of self-contained classroom² as the Pilot Program, relying on the proportion of [exceptional student education](#) students in the classroom. If the school district adopts a video camera in public school classrooms policy, it must satisfy the original requirements of the Pilot Program with the following additional components:

- The bill expressly prohibits the redaction of school employee faces when videos are redacted for review.
- The bill clarifies that the school district must have the video recording prepared for viewing, with its accompanying audio, within 7 days of receipt of a request for viewing. (Section [1](#)).

The effective date of the bill is July 1, 2025. (Section [2](#)).

¹ A county that is entirely within a rural area of opportunity as designated by the Governor or for which the value of a mill will raise no more than \$5 million in revenue. Section [218.67\(1\), F.S.](#) See Florida Department of Revenue, *Fiscally Constrained Counties* (Sept. 19, 2023), available at https://floridarevenue.com/property/Documents/fcc_map.pdf (last visited Apr. 8, 2025).

² "Self-contained classroom" means a classroom at a public school in which a majority of the students in regular attendance are provided special education services and are assigned to one or more such classrooms for at least 50 percent of the instructional day.

STORAGE NAME: h0257e.EEC

DATE: 4/8/2025

RULEMAKING:

The bill authorizes the State Board of Education to adopt rules to implement the provisions of the bill related to video cameras in self-contained classrooms.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an insignificant, negative fiscal impact on local government expenditures if a district school board adopts a policy, pursuant to a request from a parent, to install video cameras in a self-contained school classroom.

PRIVATE SECTOR:

The bill would have an indeterminate positive fiscal impact on the private sector as any school that adopts a policy for installing a video camera in a self-contained classroom would be required to purchase the necessary video equipment and software.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Exceptional Student Education Instruction](#)

Exceptional Student Education (ESE) is specially designed instruction and related services that are provided to students with disabilities and students who are identified as gifted.³ Student enrollment in ESE programs is one factor considered in determining the funding a school district receives.⁴

The federal Individuals with Disabilities Education Act (IDEA) requires school districts to make a free appropriate public education (FAPE) available to students with disabilities ages three through 21.⁵ A school district, at its discretion, may provide services to eligible infants and toddlers with disabilities below three years of age.⁶ A FAPE must include special education and related services⁷ that are provided by the public school system at no cost to the parent, which meet the standards of the state and which are in conformity with the student's individual educational plan (IEP).⁸

The IDEA does not address gifted students; however, state law and State Board of Education (SBE) rule require school districts to provide a FAPE to gifted students as well.⁹ State law specifies that districts must provide special instruction and services to gifted students, but does not mandate or describe the specific types of instruction and services required.¹⁰

³ Section [1003.57\(1\)\(b\), F.S.](#); r. 6A-6.03411(1)(m) and (n), F.A.C.

⁴ See [s. 1011.62\(1\)\(c\), F.S.](#)

⁵ 20 U.S.C. s. 1400(d)(1)(A); 34 C.F.R. s. 300.101; r. 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

⁶ Rules 6A-6.0331 and 6A-6.03026, F.A.C.

⁷ "Related services" means "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. "Related services" also include school health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34 (a).

⁸ 34 C.F.R. s. 300.17; r. 6A-6.03411(1)(p), F.A.C.

⁹ See ss. [1003.01\(3\)\(a\)](#) and [1011.62\(1\)\(e\)c.2., F.S.](#); r. 6A-6.0331(1) and 6A-6.03411(1)(m), F.A.C.

¹⁰ See [s. 1003.57\(1\), F.S.](#)

Special programs for exceptional students include instruction and related services to adapt curriculum, methodology, materials, equipment, or environment to meet individual learning needs.¹¹ Exceptional students must receive instruction in one or more of the following settings:

- Regular class.
- Special class.¹²
- Special day school.
- Residential school.
- Special class in a hospital or facility operated by a noneducational agency.
- Individual instruction in a hospital or home.¹³

Video Cameras in Public Schools

Schools are increasingly using security cameras as a tool to monitor and improve student safety.¹⁴ The DOE's *Florida Safe School Design Guidelines* recommends the use of video camera surveillance systems to monitor areas including entry points and the building's perimeter.¹⁵ Florida school districts also use video camera monitoring systems in school buses.¹⁶

Texas was the first of three states to enact legislation allowing video camera recordings in special education classrooms.¹⁷ Laws in Texas, Louisiana, and West Virginia mandate video cameras while Georgia's law is permissive.¹⁸ In Texas, advocates and parents of students with disabilities are generally supportive of the law,¹⁹ but school districts are challenged by the cost of cameras and how best to communicate with parents about the availability of video monitoring.²⁰ As of March 2020, Dallas Independent School District had equipped 56 of its 479 special education classrooms with video cameras and received 11 requests to review recordings.²¹

There does not appear to be a consensus on the use of video cameras in special education classrooms. Advocates of requiring video cameras in special education classrooms suggest this will protect students who cannot speak out about their experiences in the classroom, decreasing student abuse by teachers.²² However, others raise concerns

¹¹ Rule 6A-6.0311, F.A.C.

¹² A special class means a class in which a student spends less than 40 percent of the school week with nondisabled peers. Section [1003.57\(1\)\(a\)1.e., F.S.](#)

¹³ See [s. 1003.57, F.S.](#) and r. 6A-06.0311, F.A.C.

¹⁴ U.S. Department of Education, *Balancing Student Privacy and School Safety, A Guide to the Family Educational Rights Privacy Act for Elementary and Secondary Schools* (October 2007), available at <https://www.srk12.org/wp-content/uploads/2018/08/ferpa-for-school-officials.pdf> (last visited Apr. 8, 2025).

¹⁵ See Florida Department of Education, *Florida Safe School Design Guidelines: Strategies to Enhance Security and Reduce Vandalism* (2003), at 30, available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/2003SafeSchoolDesign.pdf> (last visited Apr. 8, 2025).

¹⁶ Florida Department of Education, *Florida School Bus Specifications* (2020), at III-10, available at <http://www.fldoe.org/core/fileparse.php/7585/urlt/2020FLSchoolBusSpec.pdf> (last visited Apr. 8, 2025).

¹⁷ National Conference of State Legislatures, Education Legislation Bill Tracking Database, <https://www.ncsl.org/research/education/education-bill-tracking-database.aspx> (last visited Apr. 8, 2025) (follow "NCSL Education Legislation" hyperlink, then search topic "All Topics," search states "All States," search keyword "camera," search status "Enacted," and search year "All").

¹⁸ *Id.*

¹⁹ Steffi Lee, *Parents want clarity on law requiring cameras in special ed classrooms*, KXAN, Sept. 24, 2018, <https://www.kxan.com/news/parents-want-clarity-on-law-requiring-cameras-in-special-ed-classrooms/> (last visited Apr. 8, 2025).

²⁰ Eva-Marie Ayala, *Should every special-education classroom be recorded? Dallas ISD trustees are debating cameras*, The Dallas Morning News, Nov. 11, 2019, <https://www.dallasnews.com/news/education/2019/11/11/should-every-special-education-classroom-be-recorded-dallas-schools-trustees-are-debating-cameras/> (last visited Apr. 8, 2025).

²¹ Eva-Marie Ayala, *Will Dallas be the first big-city district to require video cameras in all special education classrooms?*, The Dallas Morning News, March 4, 2020, <https://www.dallasnews.com/news/education/2020/03/04/dallas-will-put-cameras-in-all-special-education-classrooms-but-some-worry-about-privacy/> (last visited Apr. 8, 2025).

²² Sara C. Heintzelman and Justin M. Bathon, *Caught on Camera: Special Education Classrooms and Video Surveillance*, 12 INT'L J. OF EDUC. POLICY AND LEADERSHIP (2017), available at <https://files.eric.ed.gov/fulltext/EJ1166871.pdf> (last visited Apr. 8, 2025).

that installing video cameras in special education classrooms may drive the student abuse “underground.”²³ Another analysis of the issue noted that while cameras may influence teacher and staff behavior they may also interfere with the schools duty to provide the least restrictive environment to students with disabilities as they undermine the principal that special education is a service, not a place.²⁴

Protection of Education Records

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official government business.²⁵ This right applies to the official business of any public body, officer, or employee of the state, including public school records.²⁶ However, Florida law incorporates the Family Educational Rights and Privacy Act²⁷ (FERPA) and expressly exempts education records of individual students from public records requirements.²⁸ Thus, education records may not be released without written parental consent.²⁹ In *WFTV, Inc. v. School Board of Seminole County*, the 5th District Court of Appeal applied this exemption to a school bus surveillance videotape, determining that the record was confidential and exempt from a public records request, even with personally identifying information redacted.³⁰

Video Cameras in Public School Classrooms Pilot Program

In 2021, the Legislature created the 3-year Pilot Program in Broward County Public Schools (BCPS) beginning with the 2021-2022 school year.³¹ The Pilot Program required the BCPS to provide a video camera to any public school with a self-contained classroom for the remainder of the school year upon the written request of a parent of a student in the classroom.³²

Before the video camera is placed in the classroom, the school must provide written notification to:

- the parent of each student assigned to the self-contained classroom,
- each student who is assigned to the self-contained classroom,
- the school district, and
- each employee assigned to work with any of the students in the self-contained classroom.³³

The video camera must be operational within 30 days of receipt of the parent’s request and must be capable of recording, through both video and audio, all areas of the self-contained classroom and any room attached to that classroom.³⁴ The video camera may not record a restroom or an area where a student may change his or her clothes; however, entrances, exits, and hallways to those areas must be recorded.³⁵ The video camera may be shut off when students are not present in the classroom.³⁶

²³ TASH, *Will Cameras in Classrooms Make Schools Safer?* (Jan. 2015), available at <https://tash.org/wp-content/uploads/2015/01/Cameras-in-School-Final.pdf> (last visited Apr. 8, 2025).

²⁴ Maureen Van Stone, et al., *Bringing Legislation on Cameras in Classrooms into Focus*, available at https://cdn.ymaws.com/www.copaa.org/resource/dynamic/blogs/20210809_125939_11544.pdf (last visited Apr. 8, 2025).

²⁵ Art. I, s. 24(a), Fla. Const.

²⁶ *Id.*

²⁷ 20 U.S.C. s. 1232g(a)(4). Education records means those records, files, documents, and other materials which contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution.

²⁸ See Section [1002.221\(1\), F.S.](#)

²⁹ Section [1002.221\(2\)\(a\), F.S.](#)

³⁰ *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So. 2d 48, 58 (Fla. 5th DCA 2004).

³¹ Section 2, ch. 2021-140, L.O.F. codified at [s. 1003.574, F.S.](#)

³² Section [1003.574\(2\)\(a\), F.S.](#) The law defines “self-contained classroom” as a classroom at a public school in which a majority of the students in regular attendance are provided special education services and are assigned to one or more such classrooms for at least 50 percent of the instructional day. Section [1003.574\(1\)\(c\), F.S.](#) The Pilot Program does not include self-contained classrooms in which the only students receiving special education services are those who have been deemed gifted. Section [1003.574\(12\)\(d\), F.S.](#)

³³ Section [1003.574\(5\), F.S.](#)

³⁴ Section [1003.574\(2\)\(b\) and \(4\)\(a\), F.S.](#)

³⁵ Section [1003.574\(4\)\(b\), F.S.](#)

³⁶ Section [1003.574\(4\)\(c\), F.S.](#)

The law limits the use of video recordings to ensuring the health, safety, and well-being of students receiving special education services.³⁷ A school may not allow regular, continuous, or continual monitoring of the video recording.³⁸ The school must retain the video footage for at least 3 months after the date the video was recorded or until the conclusion of any investigation or any legal proceedings that result from the recording, including exhaustion of all appeals.³⁹

The school must conceal the identities of all students who are not involved with an incident that gives rise to a request for viewing.⁴⁰ The school must protect the confidentiality of all student records contained within the footage.⁴¹ As an education record, the recording would not be subject to public records laws.⁴² Only the following individuals are authorized to view a video recording from a self-contained classroom:

- a school or school district employee who is involved in the alleged incident;
- a parent of a student who is involved in an alleged incident;
- a school or school district employee as part of an investigation into an alleged incident;
- a law enforcement officer as part of an investigation into an alleged incident that has been reported to the law enforcement agency; and
- the Department of Children and Families (DCF) as part of a child abuse or neglect investigation.⁴³

The school must make the recording available for viewing within 7 days after receiving a request and a person who requests to view a recording must do so within 30 days of receiving notice that his or her request for viewing has been granted.⁴⁴ Incidental viewing by a school employee or contractor does not constitute a violation of the confidentiality requirements so long as such viewing occurred during:

- the installation, operation, or maintenance of video equipment; or
- the retention of video recordings.⁴⁵

If any person viewing the recording suspects that child abuse has occurred, the bill requires any viewer to report the suspected child abuse to the DCF.⁴⁶

Any individual may appeal to the SBE an action by a school or school district which the individual alleges violates this section, and the state board must grant a hearing within 45 days of receiving an appeal.⁴⁷ The video cameras in a self-contained classroom and recordings associated with them may not:

- limit the access of the parent of a student, under the FERPA⁴⁸ or any other law, to a video recording regarding his or her student;
- waive any immunity from liability of a school district or an employee of a school district; or
- create any liability for a cause of action against a school or school district or an employee of a school or school district carrying out the duties and responsibilities under the Pilot Program.⁴⁹

Unless a parent withdraws his or request in writing, the video camera must be operational for the remainder of the current school year. If the student whose parent made the request is no longer in attendance at the school, the school may discontinue video camera monitoring but must notify parents of the other students in the classroom at least five days prior to discontinuing monitoring. At the end of the school year, the school must notify parents of

³⁷ Section [1003.574\(7\)\(b\), F.S.](#)

³⁸ Section [1003.574\(7\)\(a\), F.S.](#)

³⁹ Section [1003.574\(6\), F.S.](#)

⁴⁰ Section [1003.574\(8\)\(b\)1., F.S.](#) The law defines “incident” to mean an event, circumstance, act, or omission that results in the abuse or neglect of a student by an employee of a public school, school district, or another student. Section [1003.574\(1\)\(a\), F.S.](#)

⁴¹ Section [1003.574\(8\)\(b\)2., F.S.](#)

⁴² Sections [1002.22](#) and [1002.221, F.S.](#)

⁴³ Section [1003.574\(9\)\(a\), F.S.](#)

⁴⁴ Section [1003.574\(9\)\(a\)-\(b\), F.S.](#)

⁴⁵ Section [1003.574\(11\), F.S.](#)

⁴⁶ Section [1003.574\(9\)\(c\), F.S.](#)

⁴⁷ Section [1003.574\(10\), F.S.](#)

⁴⁸ 20 U.S.C. s. 1232g; *see also* ss. [1002.22](#) and [1002.221, F.S.](#)

⁴⁹ Section [1003.574\(12\), F.S.](#)

students in the classroom that video camera monitoring will not continue during the next school year unless a parent requests monitoring in writing.⁵⁰

As of July 2023, the BCPS reported having installed 203 video cameras at a cost of \$666,208. From November 2022 through April 2023 there were 11 requests to view footage which were in various stages of completion at the time of the report. The Education Practices Commission used video footage from the Pilot Program in one investigation in 2022.⁵¹ At the conclusion of the Pilot Program, the BCPS had approximately 300 cameras and expended approximately \$800,000 on software and hardware, including \$9,000 for the redaction software necessary to comply with the requirements of the Pilot Program. Over the course of the Pilot Program, the BCPS received 31 requests to review videos, of which 25 requesters ultimately reviewed redacted videos. Review of these videos prompted 6 investigations that resulted in 4 disciplinary actions being taken against an employee or vendor.⁵²

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2021	CS/HB 149	DuBose, Plasencia	Book	Became law on July 1, 2021.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Student Academic Success Subcommittee	15 Y, 0 N, As CS	3/25/2025	Sanchez	Wolff
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none">• Amended the Pilot Program statute to remove the pilot program designation in lieu of creating a new section of law.• Required each district school board, save those in fiscally constrained counties, to vote on whether to adopt a policy to provide video cameras in self-contained classrooms upon request of a parent.• Required that any such policy satisfy the existing requirements of the Video Cameras in Public School Classrooms statute with several additional requirements.			
PreK-12 Budget Subcommittee	13 Y, 0 N	4/1/2025	Potvin	Bailey
Education & Employment Committee	17 Y, 0 N	4/8/2025	Hassell	Wolff

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.